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NOS. 82-2006 and 82-2015

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

P. TAKIS VELIOTIS, PETITIONER

v.

UNITED STATES OF AMERICA

GEORGE G. DAVIS, ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

OPPOSITION TO GOVERNMENT'S MOTION TO EXPEDITE CONSIDERATION OF THE PETITION OF P. TAKIS VELIOTIS

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Petitioner, P. Takis Veliotis, opposes the government's motion to expedite consideration of his petition for a writ of certiorari in this case.¹

The government requests expedited treatment on the basis that the term of the grand jury expires on September 8, 1983. However, the government does not claim that the statute of limitations in this case has run or that the information sought here cannot be presented to a new grand jury.

On the other hand, Petitioner may be prejudiced if this matter is expedited. The government should not be permitted to expedite consideration of this case while Petitioner and the Central Authority of Switzerland are develop-

1. Printed copies of this memorandum will follow.

ing facts concerning the government's conduct in this matter for presentation to this Court.

The United States Court of Appeals for the Second Circuit had granted a stay of its mandate in this case. The stay had the effect of preventing the government from obtaining the transcript of Mr. Veliotis' testimony, which is at issue here. Pursuant to a Treaty between the United States and Switzerland, the government had previously obtained from Switzerland certain bank records which the government alleged belonged to Mr. Veliotis. The Treaty prohibited disclosure of the records. Nevertheless, the government transmitted the bank records to the Trustee of Frigitemp Corporation who then filed a civil complaint against Mr. Veliotis. The civil complaint disclosed portions of the contents of Mr. Veliotis' testimony which the government had been seeking and could not obtain because of the stay. The disclosure, which was in violation of the stay in this case, could moot consideration of this petition. The Central Authority of Switzerland is presently considering sending a letter of inquiry to the government requesting the government to explain its actions in this case.

Having promoted the Trustee's civil complaint, the government also used the existence of that complaint to oppose having to present evidence now in a case involving petitioner George G. Davis in Switzerland. Those facts are more fully set forth in the memorandum of George G. Davis opposing expedited treatment of his petition.

Petitioner P. Takis Veliotis respectfully submits that this Court should not allow the government to expedite decision of his petition and prevent him and the Central Authority of Switzerland from developing all of the facts

concerning the Government's conduct for this Court's
consideration.

Respectfully submitted.

June 1983

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